

## **EXHIBIT 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

ASD SPECIALITY HEALTHCARE, INC., d/b/a )  
ONCOLOGY SUPPLY COMPANY )  
2801 Horace Shepard Drive, )  
Dothan, Alabama 36303, )

Plaintiff,

vs.

ROBERT G. HICKES, M.D., )  
1301 Trumansburg Road, Suite Q )  
Ithaca, New York 14850, )

Defendant. )

CIVIL ACTION NO.:  
1:05CV592-T

**RESPONSE TO REQUEST FOR ADMISSION**

COMES now ROBERT G. HICKES, M.D. ("Defendant"), and for his response to the request for admission says as follows:

1. Denied. However, admitted that Hickes' professional corporation ordered and received such products.
2. Denied.
3. Denied.
4. Denied.
5. Admitted.
6. Denied.
7. Denied.
8. Denied.



9. Admitted.
10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Admitted as to citizenship, but otherwise denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.
21. Denied.
22. Denied.
23. Denied.
24. Denied.
25. Admitted as to amount, but not as to liability of Dr. Hickes.

\s) C. Ellis Brazeal III  
Attorney for the Defendant, Robert G.  
Hickes, M.D.

**OF COUNSEL:**

Walston, Wells, & Birchall LLP  
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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing Response to Request for Admissions has been served electronically to the following said individuals and/or by placing same in the U.S. First Class Mail, as follows.

James J. Robinson  
Heath A. Fite  
Burr & Forman LLP  
3100 SouthTrust Tower  
420 North 20<sup>th</sup> Street  
Birmingham, Alabama 35203

This the \17th\ day of November, 2005.

\s\ C. Ellis Brazel III  
OF COUNSEL.